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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF BRIAN CONLEY IN SUPPORT OF EXTENDING TEMPORARY RESTRAINING ORDER AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Brian Conley, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a plaintiff in this case. I have been a journalist for twenty years and have trained journalists in video production across a dozen countries internationally. I have worked in warzones, such as Iraq, Afghanistan, Libya, and Burundi. For many years, I have covered protests in places such as Beijing, New York, Washington, D.C., Miami, Quebec City, and Oaxaca, Mexico, among others. I have documented a great deal of the recent protests in Portland. If called as a witness, I could, and would, testify competently to the facts below.

2. On July 28, I submitted a declaration to the Court in support of Plaintiffs' motion for contempt regarding the events of July 23-25 and 27-28, 2020, when federal officers targeted, shot me with impact munitions, and threw concussion grenades and tear gas canisters directly at me. My foot recovered to where I felt I could walk well enough to cover the protests, so I covered the protests again on July 29. I also had to replace the letters on my helmet after federal agents blew the final "S" in "PRESS" off my helmet during the events of July 27-28.

3. I returned to cover the federal response to the protests in downtown Portland in front of the Hatfield Courthouse. I was there in my capacity as a member of the media. I did not protest or demonstrate. I was using my same large, Micro Four Thirds interchangeable camera with a telephoto lens. I was wearing my photographer's vest that said "PRESS" on it. I was also wearing my helmet that said "PRESS" in new, big block letters across the front.

4. Just before midnight on July 29, I was on SW Salmon St. between SW 2nd and SW 3rd Ave. It was calm. There was one photographer between me and several federal agents. One of the federal agents shined a light on me, then another shot a munition just beside me. It sounded like a grenade, but I'm not sure if it was smoke, gas, or concussion.

5. Another federal agent, who was armed with an assault rifle, approached me and told me to stay in the sidewalk. I told him I was press. He acknowledged I was press but again pointed me to the sidewalk and told me to move over there.

6. Around 12:30 a.m. on July 30, I was documenting a line of federal agents across

SW 2nd Ave. I was standing a few feet from the sidewalk. There were maybe four or five protestors a few feet behind me. Suddenly, without warning or provocation, the federal agents started shooting and spraying pepper spray in unison.

7. At point blank range, the federal agent nearest to me unleashed a deluge of pepper spray directly at me, dousing me in pepper spray. The pepper spray covered my face, hands, clothing, camera, and gear.

8. Here is a true and correct copy of the original video documenting this portion of this incident: <https://twitter.com/BaghdadBrian/status/1288940868028600320>.

9. It was obvious that I was press and that no federal agent should have sprayed me at point blank range.

10. No matter what I tried, I could not get rid of the pepper spray residue. My left hand still felt like it was on fire over 12 hours later.

11. Despite this Court's temporary restraining order, federal agents have repeatedly targeted and injured me when I have covered their response to these protests. I intend to continue covering the protests because I believe it is critically important to do so, but I am fearful for my safety.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: August 4, 2020

DocuSigned by:
Brian Conley
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Brian Conley